

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKDavid Gibson

Plaintiff's Motion is denied, as Plaintiff has not demonstrated that Defendants are in default. The Clerk of the Court is respectfully directed to close the pending motions (Dkt. Nos. 76 & 79) and mail a copy of this order to Plaintiff.

Write the full name of each plaintiff or petitioner.

Case No.

22 CV 1122 HMK

-against-

Edward Burnette et al

NOTICE OF MOTION

SO ORDERED.

3/26/2025

Write the full name of each defendant or respondent.

PLEASE TAKE NOTICE that

Plaintiff
~~Defendant~~
plaintiff or defendant

David Gibson
name of party who is making the motion

requests that the Court:

Refile memorandum of law
And order show cause with Exhibit

Proof service under N.Y.S.C.C.R. 19w
308 309 310 Please Review

Briefly describe what you want the court to do. You should also include the Federal Rule(s) of Civil Procedure or the statute under which you are making the motion, if you know.

In support of this motion, I submit the following documents (check all that apply):

- ☐ a memorandum of law
☒ my own declaration, affirmation, or affidavit
☒ the following additional documents:

ORDER show B cause
memorandum

3-20-25

Dated

David Gibson

Name

4081 DE Remier Ave Bronx NY

Address

Signature

Prison Identification # (if incarcerated)

City

State

Zip Code

Telephone Number (if available)

E-mail Address (if available)

CC: AAG
VIA ECF

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
DISBURSEMENT OR REFUND REQUEST

CELL LOCATION

NAME

DATE

20

CODE TYPE

INCARCERATED INDIVIDUAL
NUMBER

SHORT NAME

FIRST INITIAL
FIRST 3 OF LAST NAME

COMMISSARY / PRODUCT GROUP

SENT TO CODE
(SEE TABLE B-6)

MAY 12 2022

AMOUNT \$

INMATE ACCOUNTS
DESCRIPTION

Normal 3 classes

FIRST NAME

MI

SUP

SENT TO OR
PURCHASE FROM

ADDRESS

APT. NO.

CITY

STATE

ZIP CODE

APPROVED

(SOURCE AREA)

DATE

APPROVED

(BUSINESS OFFICE)

DATE

FORM 2706 (03/21)

Original - Business Office

Yellow - Approving Office

Pink - Incarcerated Individual

(INCARCERATED INDIVIDUAL SIGNATURE)

I HEREBY ACKNOWLEDGE EXPENDITURE
OF THE AMOUNT TO BE DEDUCTED FROM
MY INCARCERATED INDIVIDUAL ACCOUNT.

U.S. District Court
For the

Southern District (White Plains)

IN The MATTER of the Application of

David Gibson # 15A2714
Petitioner

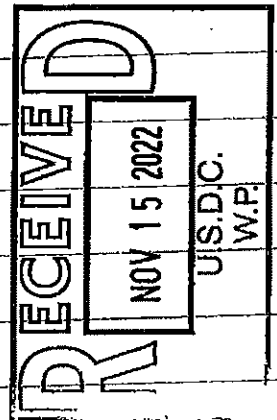
Order to Show Cause
22-CV-01122 KMK

v.
Edward Burnette, Et al
Respondent

For Judgment By Default Pursuant to
FRAP Rule 12 ~~and~~ Prison Litigation Reform Act
§(2) (g) (2) Failure to Respond answer or move
within 21 days

U.S. District Court S.D.N.Y (White Plains)
Honorable Judge Karas District Judge

Appointed David Gibson 15A2714
PRO-8c



This ex Parte Matter was referred to my attention at a term
of the U.S. District Court Westchester County Judge Karas
in Courtroom 521 of the U.S. Courthouse, White Plains, New York

Upon Reading of the Petition, Sworn to on the _____ day
of _____ 20____.

Let the Respondents Show Cause at a Special term of the U.S.
Courthouse Courtroom 521 White Plains, NY to be Held in and For the
County of _____ on the _____ day of _____ at the
Courthouse located at _____ New York

Why the Relief Requested in the Petition should Not be Granted. It is
See Attached

Attached
Order Show Cause

Ordered, that Service of this order to show cause
why

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

Distra Supreme S.D. N.Y. COURT, COUNTY OF White Plains
 Index No: 09022-CV-00000 KMK Date Index Issued: 09/07/2022

For Court/Clerk Use Only	
JAS Entry Date	
Judge Assigned	
RJI Date	

CAPTION: Enter the complete case caption. Do not use et al or et al. In more space is required, attach a caption rider sheet.

David Gibson 15A2714

Plaintiff(s)/Petitioner(s)

-against-

Edward Bernette Eteal

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING		Check ONE box only and specify where indicated.	
MATRIMONIAL <input type="radio"/> Contested <input type="radio"/> Uncontested NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum.		COMMERCIAL <input type="radio"/> Business Entity (including corporations, partnerships, LLCs, etc.) <input type="radio"/> Contract <input type="radio"/> Insurance (where insurer is a party, except arbitration) <input type="radio"/> UCC (including sales, negotiable instruments) <input type="radio"/> Other Commercial: _____ (specify) NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJI Addendum.	
TORTS <input type="radio"/> Asbestos <input type="radio"/> Breast Implant <input type="radio"/> Environmental: _____ (specify) <input type="radio"/> Medical, Dental, or Podiatric Malpractice <input type="radio"/> Motor Vehicle <input type="radio"/> Products Liability: _____ (specify) <input type="radio"/> Other Negligence: _____ (specify) <input type="radio"/> Other Professional Malpractice: _____ (specify) <input type="radio"/> Other Tort: _____ (specify)		REAL PROPERTY How many properties does the application include? <input type="radio"/> Condemnation <input type="radio"/> Foreclosure Property Address: _____ Street Address City State Zip NOTE: For Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum. <input type="radio"/> Tax Certiorari - Section: _____ Block: _____ Lot: _____ <input type="radio"/> Other Real Property: _____ (specify)	
OTHER MATTERS <input type="radio"/> Certificate of Incorporation/Dissolution [see NOTE under Commercial] <input type="radio"/> Emergency Medical Treatment <input type="radio"/> Habeas Corpus <input type="radio"/> Local Court Appeal <input type="radio"/> Mechanic's Lien <input type="radio"/> Name Change <input type="radio"/> Pistol Permit Revocation Hearing <input type="radio"/> Sale or Finance of Religious/Not-for-Profit Property <input type="radio"/> Other: _____ (specify)		SPECIAL PROCEEDINGS <input type="radio"/> CPLR Article 75 (Arbitration) [see NOTE under Commercial] <input type="radio"/> CPLR Article 78 (Body or Officer) <input type="radio"/> Election Law <input type="radio"/> MHL Article 9.60 (Kerindra's Law) <input type="radio"/> MHL Article 10 (Sex Offender Confinement-Initial) <input type="radio"/> MHL Article 10 (Sex Offender Confinement-Review) <input type="radio"/> MHL Article 81 (Guardianship) <input type="radio"/> Other Mental Hygiene: _____ (specify) <input checked="" type="radio"/> Other Special Proceeding: <u>Order Show Cause</u> (specify)	

STATUS OF ACTION OR PROCEEDING Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed?	YES <input type="radio"/> NO <input type="radio"/>	If yes, date filed: <u>05/08/2022</u>
Is this action/proceeding being filed post-judgment?	YES <input type="radio"/> NO <input checked="" type="radio"/>	If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION Check ONE box ONLY AND enter additional information where indicated.

- ☐ Infant's Compromise
- ☐ Note of Issue and/or Certificate of Readiness
- ☐ Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: _____
- ☐ Notice of Motion Relief Sought: _____ Return Date: _____
- ☐ Notice of Petition Relief Sought: _____ Return Date: _____
- ☒ Order to Show Cause Relief Sought: Default Judgment Return Date: _____
- ☐ Other Ex Parte Application Relief Sought: _____
- ☐ Poor Person Application
- ☐ Request for Preliminary Conference
- ☐ Residential Mortgage Foreclosure Settlement Conference
- ☐ Writ of Habeas Corpus
- ☐ Other (specify): _____

RELATED CASES: List any related actions. For Marital actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RJL Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case
Gibson v. St. Elizabeth's Hosp	22-cv-4213 KMK	S.D.N.Y.	Judge Kagan	Plaintiff

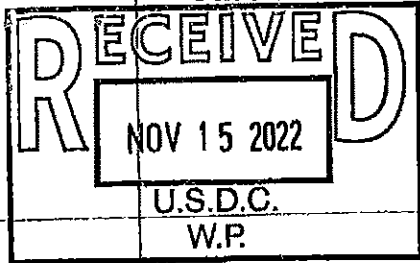
PARTIES: If additional space is required, complete and attach the RJL Addendum. For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties: List parties in caption order and indicate party role(s) (e.g., defendant, 3rd-party plaintiff).	Attorneys: Provide name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case.	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	<u>Bonnette</u> <u>Elmered</u> Primary Role: <u>Superintendent</u> Secondary Role (if any):	<u>L. A. K. Renc</u> <u>Bahya</u> <u>New York State Attorney General</u> <u>28 Eldon St</u> <u>NY</u> <u>10005</u> Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	<u>Cobden</u> <u>Danielle</u> Primary Role: <u>RN</u> Secondary Role (if any):		<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	<u>Allymba</u> First Name: <u>Party of Health</u> Secondary Role (if any):		<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>			<input type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 11-1-22
Pre-Sc
ATTORNEY REGISTRATION NUMBER

Dennis Gibson
SIGNATURE
PRINT OR TYPE NAME



U.S. District Court
for the

Southern District of New York (White Plains)

IN the MATTER of the Application of

David Gibson # 15A2714

Petitioner

v

Edward Bernette Et al

Respondent

Affidavit IN support

of AN Order to

Show Cause

22-CV-01122(KMK)

For Judgement Pursuant to
FRAP of the Civil Practice of
Law and Rules

STATE of New York ss.:
County of Westchester

David Gibson, being duly sworn deposes and says

1. I am the Petitioner in the Above entitled matter and

~~2022~~ 95 currently incarcerated at Marcy C.F. Box 3600 Marcy, NY

13403-3600 2. Petitioner makes this affidavit in support

of the annexed application for an order to show cause to prosecute

the attached Verified Petition Relief Pursuant to Default Judgement

FRAP Rules 12 Failure to answer or move 3. The Petitioner challenges

a determination made by the Respondent on 05/08/2022 denying

h.s. on 05/08/2022 Plaintiff served 3 Complaints & Summons to

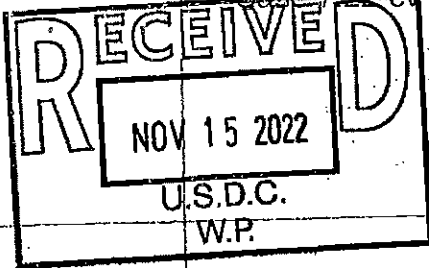
3 Defendants Edward Bernette, Danielle Gibson, DOM Akinyombo First class

mail, Certified mail, Return Receipt In comply with Rule 4(h) and Rule

4(1)(3) Validity of Service Amending Proof Please see Docket No. 13

Where Defendants Edward Bernette, Deputy of Health Akinyombo, and Danielle Gibson

Failed to answer or move within 21 day after service Notary Unavailable



U.S. District Court
OF the
Southern District of New York

IN the MATTER of the Application of
David Gibson, # 15A2714

Petitioner,

Verified Petition

22-CV-01122-KMK

✓
Edward Bernate et al

For a Judgment By Default Pursuant to
FRAP Rule 12 PIRA B(2)(g)(2)
Failure to Respond or Move

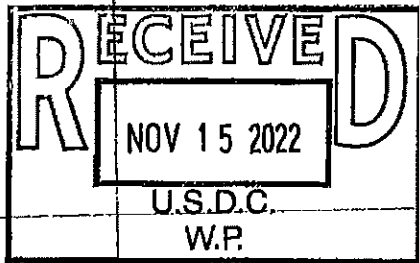
To the U.S. District Court Room 521 US Courthouse
White Plains NY

The Petition of David Gibson Respectfully alleges

1) This a Special Proceeding brought pursuant to ~~FRAP~~ Order Show and
Cause

Nature of the Proceeding

2) The Petitioner challenges a determination made by the
Respondents on May 8, 2022 Failing to Answer or Move to
His 3 Joinder 3 Complaints for 3 defendants within 21 days
of the Service Plaintiff Served on The Defendant First class mail,
Certified mail Signature Confirmation May 8, 2022 Please See Docket NO
13 Under Rule 4(1)(3) Disbursement used to pay for service
Stamped May 12, 2022 By Marcy C. Inmate Accounts (3) The Petitioner
Contents that the Respondents Provide Burden of Proof They were NOT
Served (4) ~~the~~ Previous application for Relief sought herein has
been made See Docket NO(s) 13, 17, 18, 19, 20, 21, 22, 24.



Attached

U.S. District
Of the Southern District
Of New York

ProPcos default Judge

~~ProPcos default Judge~~

22-CV-01122-KMK

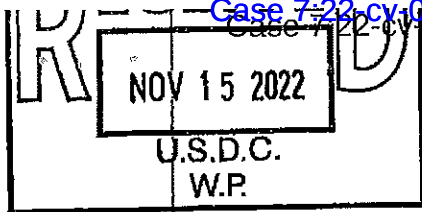
IN the MATTER of the application
OF David Gibson #15A2714

v.

Edward Burnette et al

(A) FRCP 55 ON May 8, 2022 Plaintiff served 3 defendants
The 3 defendants Defaulted as a Matter of law Fed. R. Civ. P. 12(a)(2) or (3)
Rule 12 of FRCP They didn't Answer or Move Please see Docket No.
13 Disbursements Paid For Postage First class, Mails Certified with Return
Receipt With all 3 Names Addressed to All 3 Defendants FRCP 4(d)(3)
Please see Item Description Plaintiff sent the only copy of Summons Proof
of Service to defendants under FRCP 4(d)(3) "Validity Proof of Service"
Please see Docket No. 24 Incarcerated Individual Correspondence
Program N.Y.S.D.C.C.S. Defective 4422 7 to 22.

(B) Statement of Injuries and Damages Plaintiff was forced to
Have sperm stuck inside him 89 days, Plaintiff lost his Release date
Mentally traumatized due to Hardship and cruel unusual punishment
Damages in Complaint 6 million in Money Damages in Punitive
And Compensation Relief (C) Please see Attorney Affidavit
Pro-se Attached



Attorney Affidavit Pro-se

STATE OF New York)

County of Onondaga)

I David Gibson, Being first duly sworn depose
and says that:

'Perocent to 3931 Protection of Servicemembers Against Default Judgments
Under Penalty of Perjury, The Following defendant(s) were not
and or Not in Military Services or on duty for the Military
at time of service of Complaint and Summons within FRCP Rule 12.

A Default Judgment is appropriate Plaintiff served All 3 Defendants
First class mail, Certified mail, Signature Confirmation, And Placed 3 defendants
3 Summons, 3 Complaints, on N.Y.S.D.C.C. Documents Paid 9.16 Per Defendant

4422. Everything must match please see Docket No. 13, 2nd, 24 and, 9
Exhibits Attached. 5 Page Declaration & A Default Judgment Is

applicable to fewer than all Defendants Because at the time of service

There were only 3 Defendants. Superintendent Bernette, Deputy of Health
Akinyemba, And AM Danielle Ceboni. The AAG Didnt Identify the John one

June does in till May 13, 2022. Plaintiff Effected service of Summons
and Complaint May 8, 2022 under "Mail Box Rule". The Court may

appropriately Order a default Judge on issues of liability and or damages
Prior to Resolution of the Intive Action. (III) The Proposed Damages and

the basis each element is 2 million off each defendant Per Money,
damages, and Enhancement for Punitive Damages and Compensation.

NO Attorney Fees Pro-se (IV) legal Authority for, why an inquiry
would be unnecessary, under Riley & Ephraim Const Co., INC v. C.W., when

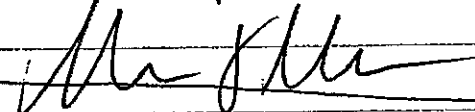
First class mail, Certified mail, Signature Confirmation, Is sent to Government official
Pro. Box 1245 It Recd at Post office it is considered Recd. With Compl Attached

Attorney Affidavit Attached

Motion Granted For Plaintiff Mary C.R. to Produce Original Copy, of The Document⁵⁰ Used to Pay for First Class, Certified mail, Signature Confirmation - Check/Order Number To trace Certified mail Receipt⁽²⁾ Per N.Y.O.D. O.L.C.O. Detective 4482 Inmate Account Has a copy Please See 9 Exhibits Attached to Declaration. Plaintiff Facility To Not Give to him OR NYU-FOIA-71-038. See Exhibit 7, 8, 9; The Court will See The Defendants Received 3 Summons, 3 Claims, around May 25, 2020. Plaintiff Mailed The Summons and Complaints on May 8, 2022. The Mailbox - Rule. (D) Copies of All Pleading Please See Declaration, Exhibits Attached. Docket No. 13, 17, 19, 18, 20, 21, 22, And 24. (E) Plaintiff Serves the Original Copy of Summons and Proof of Service, with Complaint And Per N.Y.O.D.O.C.O. Barry and Detective Used One Manilla Envelope, with All 3 Defendant Names. Per Rule 4 They are all sent the same Docs. and 4 (F) Please See Docket No. 13 Item Description 3 Summons, 3 Complaints, 3 Defendants. As Proof of service stamped May 12, 2022 by Plaintiff Facility Inmate Account. F. Please See letter to Clerk and Docket. Defendants Names answered or moved, Per Declared And letters. Requesting Certificate Regarding IF answer was filed.

I Swear to me before me on
 this 7th day of November 2022

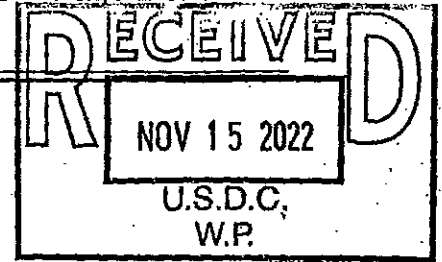
I Swear to be
 True Under Penalty
 Perjury


 Notary Public

AMANDA JO MAYNE NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01MA6414122 Qualified in Jefferson County My Commission Expires: 2-16-2025
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

David Gibson 15A2714



Write the full name of each plaintiff or petitioner,

Case No. 22 CV 01122-KMK

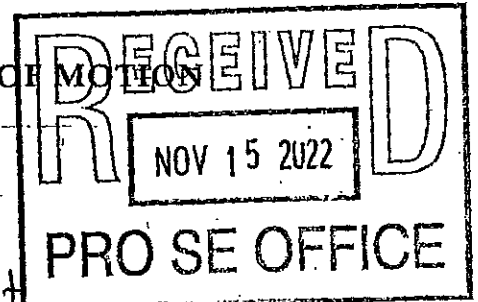
-against-

Superintendent Burnette, Danielle Ceboni

Deputy of Health Anthony Etc: Al

Write the full name of each defendant or respondent.

NOTICE OF MOTION



PLEASE TAKE NOTICE that

Plaintiff
plaintiff or defendant

Movment
name of party who is making the motion

requests that the Court:

Response too court

Show and cause

Order to Show And Cause, Default Judgment Motion, Order to Compel

For Against
For Release
Complaint

Briefly describe what you want the court to do. You should also include the Federal Rule(s) of Civil Procedure or the statute under which you are making the motion, if you know.

In support of this motion, I submit the following documents (check all that apply):

- ☐ a memorandum of law
- ☒ my own declaration, affirmation, or affidavit
- ☒ the following additional documents: Gibson v. Burnett et al

22-cv-1122-KMK

11-6-22

Dated

David Gibson

Name

Marcy City Box 3800

Address

646-436-2142 Power Attorney

Telephone Number (if available)

Signature

15A2714

Prison Identification # (if incarcerated)

Marcy

City

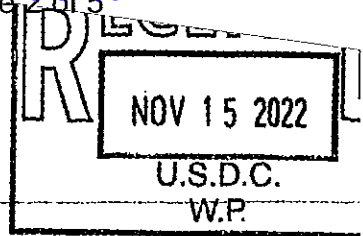
NY

State

13403

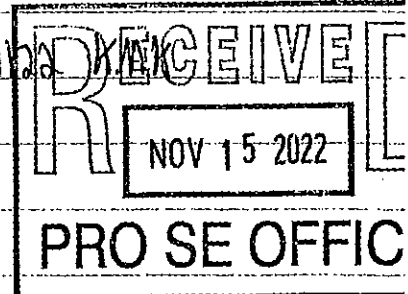
Zip Code

E-mail Address (if available)



To: Clerk of S.D.N.Y. (White Plumer)

RE: David Gibson v. Edward Bernste 22-cv-01122



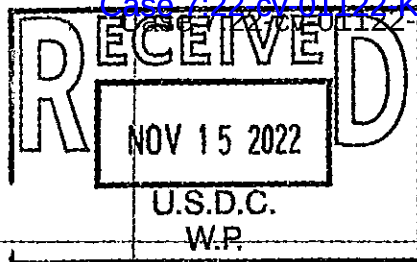
Dear Clerk,

Enclosed Is a application for order to show & cause, Notice of Motion, My own Declaration, Affirmation, or Affidavit, A Verified Petition, Affidavit In support show & cause Notary unavailability Proposed default Judgement, Affidavit of Service, Declaration of Service Attorney Affidavit & Exhibit (1) letter to PRO-se intake dated 6-9-22 Exhibit (2) A letter from V. Noriega Responding To letter 6-9-22, Exhibit (3) letter Intake Account 7-26-22 At bottom there Response 7-27-22 signed mail Return Exhibit (4) letter to Mail Room 7-27-22, Exhibit (5) letter to P. Reardon Support dated 8-4-22 Executive office stamp 8-5-22, Exhibit (6) Marcy Cit. Message in court telling Plaintiff mail issue been addressed He will place on negative cost case over the matter, Exhibit (7) letter to FOIA Justice Management about MRU FOIA-71-038, Exhibit (8) Attached to Exhibit 7, Exhibit (9) Proof of Is For FOIA. CAN You Please send me a Certificate stating NO answer Has been filed? Also I am only sending the Exhibits to you don't have copy for AAG Lawrence The Deadline Is 11-28-22 Please Deliver to Honorable Kyras for consideration.

Respectfully

Enc: Motion of Motion
my own Declaration, Affirmation,
or Affidavit, Order to show cause,
Verified Petition, Affidavit in support
show and cause, Proposed Default Judgement
Affidavit of service, Attorney Affidavit,
Declaration of Service, & Exhibits
letter to Clerk, Declaration

David Gibson



Declaration of Service

Dennis Gibson, Pursuant to 28 U.S.C. 1746, declares under Penalty of Perjury as follows

That on November 7 2022 I served copies of 9 Notice of Motion, my own Declaration, Affirmation, or affidavit Order to show and cause (2) pages, Verified Petition (1) page, Affidavit in Support of an order to show and cause (1) page, Proposed, default Judgment page, Affidavit of service 1 page, Attorney Affidavit 2 pages, 5 page deck (9) Exhibits, (1) Declaration of service, (1) letter to court clerk

On The Court clerk And Defendant's Attorney by mailing via United States Postal Service to the following addresses First class, certified mail signature confirmation

Court Clerk U.S. S.D.N.Y

300 Greenwich Street

White Plains, NY 10601-4150

~~1-7022241000096863365~~ 7022241000096863365

Bahiya LAWRENCE A.A.6

28 Liberty Street New York, NY 10005

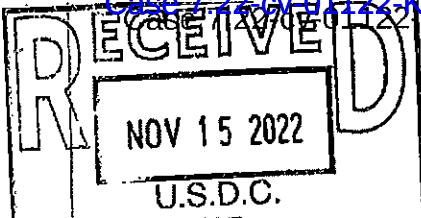
7022241000096863167

SWORN to before me on

this 7th day of November 2022

Notary Public

AMANDA JO MAYNE
NOTARY PUBLIC, STATE OF NEW YORK



Affidavit of Service

STATE OF New York)
(County of ONEIDA)

I David Gibson, being first duly sworn deposes
and says that:

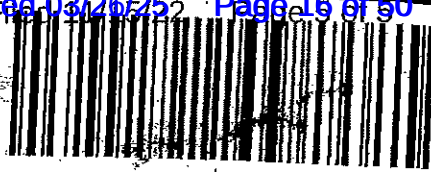
I Have Served true and Exact Copies of the foregoing documents: My own declaration, affirmation, or affidavit, Notice of motion, 5 Page Declaration 9 Exhibits, Declaration of Service, And Affidavit of Service, Order to Show Cause Default Judgment letter to court clerk, Attorney Affidavit Verified Petition, Affidavit of Service, Proposed Judgment by placing in a Postage Paid and Properly addressed ~~WRAPPER~~ WRAPPER And depositing same in a United States Postal Box Under the Electronic Case and Custody of New York State Department of Corrections and Community Supervision within the Macy Correctional Facility to be served upon the below listed persons:

Court Clerk U.S. District S.D.N.Y.
(White Plains) 300 QuARROPS Street
White Plains, NY 10601, Behiya Lawrence 28 Liberty St New York, NY 10005

Sworn to before me on
this 7th day of November 2022

Notary Public

AMANDA JO MAYNE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MA6414122
Qualified in Jefferson County
My Commission Expires: 2-16-2025



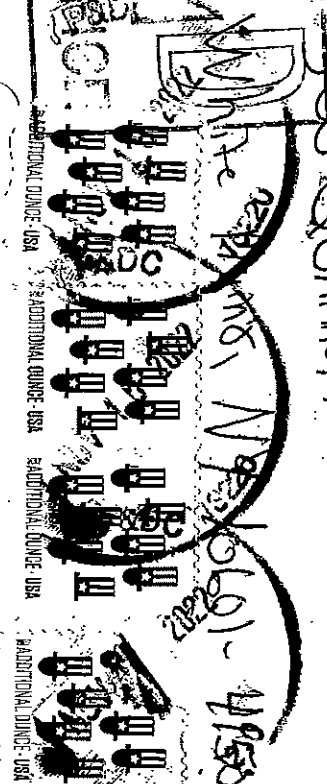
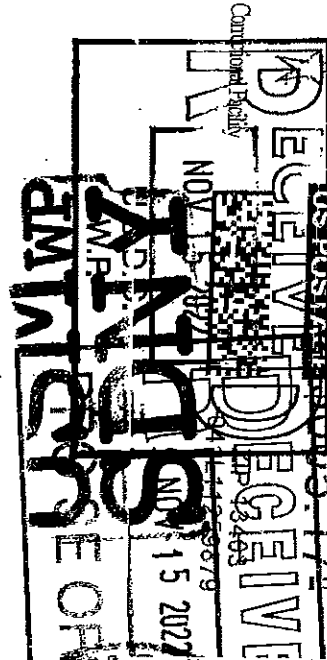
7022 2410 0000 9686 3365

MARCY CORRECTIONAL FACILITY
BOX 3600

N.Y. 13403-3600

Paul Gibson

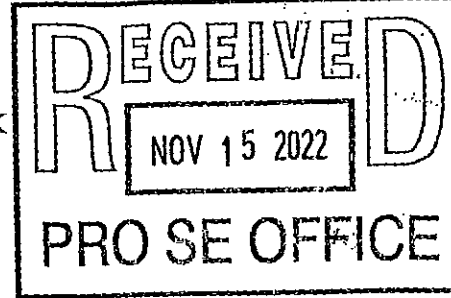
Marcy NEOPOST
11/10/2022



Pro-DE Window
300 QUAKHOPUS Street



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



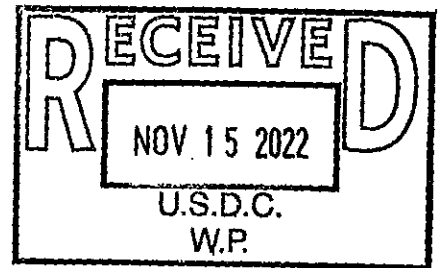
David Gibson 15A2714

Fill in above the full name of each plaintiff or petitioner.

Case No. 22 CV 01122 KMK

-against-

Superintendent Burnett, AN Danile
Cobron, Deputy of Medical Atinyombo
Etc: A1



Fill in above the full name of each defendant or respondent.

DECLARATION

Order to Show And Cause Judgement By Default
Default Judgement, Response cant order show cause

Briefly explain above the purpose of the declaration, for example, "In Opposition to Defendant's Motion for Summary Judgment."

I David Gibson 15A2714, declare under penalty of perjury that the following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court order. You may also refer to and attach any relevant documents.

On May 8, 2022 Plaintiff Core Prison Authority & One Menila
envelope First class, Certified mail, Signature Confirmation, May 12, 2022
Marcy Inmate Account stamped The Disbursement Were Plaintiff Piced
On Item description 3 summons 3 claims 3 Defendants on the
Disbursement, Envelope, Certified mail First class mail Recpt, Signature

Declaration

Attached
2019

Confirmation, All 3 Defendants Names Job titles and mailed it May 8, 2022 to there Fishkill Ct. P.O. Box 1245, the same Address on Complaint Please see Docket #1 (Address) Docket #13 Please see Disbursement, that was sent with law library slip, ³Attached Exhibit 1 letter to Pro-se Office Dated 6-9-22. Then Please see Exhibit 2, from V. Noriega Pro se Intake unit RE: letter Plaintiff Re-submitted Same letter, law library slip, ⁴And Disbursement ON Docket #13 Date Please see May 8, 2022, Under Mail Box Rule Plaintiff Timley Filed And sent 3 summons & claims to 3 Defendants. Please see N.Y.S.D.C. 6.6.8 Detective 4422 Correspondence Program, ⁵Everything must match Please see 7 thru 13 Docket #24. All Overdue Envelopes must be inspected, And Everything must match or will Be Returned. If on Item Description 3 summons & claims & Defendants And on ~~the~~ First Name, last Name, MI SUFF Please see Docket #13. It says Superintendent Bernette, RN Danile Lebron, And Deputy of Health Ahinyombo, And under "Riley & Ephraim Const Co. In v. U.S." Under Postal services when the Post office Receiver Filed check, Certified mail, Signature Confirmation, when it gets to the Post office It Is Considered Received, The Post office Places a Note In there "Government P.O. Box. That It expires 5 days a week besides Federal Holidays, And the Certified mail, First class mail, Signature Confirmation Is Held at Front Desk" This Is one Government P.O. Box Many to Another Fishkill: There are

Attached

3 of 3

Declaration

CORRECTIONAL Facility P.O. Box¹ "Not Respond front Desk,"
"Not Home Address," to A Superintendent Whose Name
Was First, Deputy of Marshal, And RN. Plaintiff Has
Been Trying to Verify Since July. Please See Exhibit 3
Letter to Inmate Accounts Dated 7-26-22, My Facility
Has And Is Putting Blockades up.⁹ Please See Exhibit 4,
Please See Exhibit 5, Plaintiff wrote Superintendent (my defense
in 4:22-cv-00723 BKS) Letter Dated 8-4-22 Complaining about
Facility Not Tracking CRO's #, Please See Their Response
Exhibit 6. Were the Superintendents Assistant OR Administration
Officer Dated 8-5-22 Message,¹⁵ "Were they tell me
that If I write them again they will Place me on Negative
Correspondence!" Plaintiff then Goes to FOIA Act Request
NRU-FOIA-21-038.²¹ "Were I Ask for All mail"
8-14-22 First class mail, Lettered mail, Signature Confirmation
7021191000087268859, 95909402749820984798 Please
See Exhibit 7, 8, 9. Plaintiff Never Received any Notice of
Reinstatement of my case, dated 8-11-22 on Docket
Docket # 17 threw 24 Is motions for default! Plaintiff
10 Was Not Aware Honorable John G. Keefe¹¹ wasn't His Judge.
I Have Been Complaining of my temporary Docket # 18
says "7-22-22 I Got 9 CA" Not 9 Were My
Life Stole My mail. Please See Docket # 20, 24.
13 Docket No. 8 Was the first time Plaintiff was made aware
who Defendants Attorney was AAG Lawrence. Plaintiff mailed
3 summons 3 complaints to 3 Defendants May 8, 2022 the

Attached
4 of 4

Declaration

Federal Mail Box Rule When Plaintiff Gave the mail to Prison Authority. The Defendants were Aware That the Process was Going on Under "Bursmedia Inc v. Viertel and or 2000" under FRAP 4 (4M) By Docket # 8 Should Have Filed 4 And 41, But Didn't. The Defendants were relying on Proof of Service Scheme. But for Docket "Policy" 4422 Everything must be Inspected, Match, Verified Before stamped, Docket for Considered Correspondence. In All It is Placed In Post Office Hand Is it considered mail. All Overseas Envelopes must be left open for Inspection And If You Place 3 number on Disbursement, It must be 3 number on Envelope. And If You Place what is the Item Description. must Be Verified and match Before stamped. Plaintiff wrote the Prison office Exactly after He didn't Get a Response. He didn't Force a Default Judgment. He was Not Aware His Judge was changed. All 3 Defendants was sent at the Place of Employment. And It was sent Signature Confirmation, Certified Mail, First class mail, Postage Paid. Under N.Y.S.D. District Detective 4422 Inspected can't Receive No Envelopes But STATE Envelopes OR large Envelopes, You can't have Pre Paid Envelopes. And the Prison system must Sanitized mail system or mechanism. Is First class mail Postage & Recd Paid Certified Mail, Signature Confirmation. Plaintiff Paid 9.16 Were He Placed All 3 Defendants Name on His Mailing Envelope. were He is only allowed one per month.

Attached
5 of 5

Declaration

Please See Docket No. 13¹⁹ And The Disbursement and the ⁽²⁾ Jury Library Slip. who then didn't Respond because were Not Aware of Item Description "As Proof of Service". Plaintiff would like the Court to Make His Facility Show the Original Copy of the Disbursement, and Also Use FOIA Request MKU-FOIA-71-038 to Show when Exactly did the summons and Complaints Reached P.O. Box 1245 Fishkill C.F. Mary Post office mailed out. Plaintiff Is entitled to Relief of Default Judgements on Defendants Edward Bernetty, Danielle Gibson, And A Kingemby²¹ who Didn't Respond ~~or~~ Reply answer OR move under Rule 12 of the FRAP 12 (a) (2) or (3). Plaintiff Job Is to Provide Burden of Proof C Disbursement Paid 9.16 All 3 names, Item Description, Dated May 8, 2022 Stamped Mary Inmate Accounts May 12, 2022¹³ 3 Summons 3 Claims, 3 Defendants²² He served them It Is the Main Movement Party to show they were Not served under Mail Box Rule, N.Y.S. Doc. & Detention 4422, First class mail. (Proof of service) And one Government P.O. Box to Another Mary to Fishkill. It Is 100% Clear Sign of Default by Defendant.

Daniel Gibson 15A2714

11-6-22

Mary C.F. Box 3800

Mary NY 13403

CLC-436-2142 Penner Attorney

Exhibit 1:

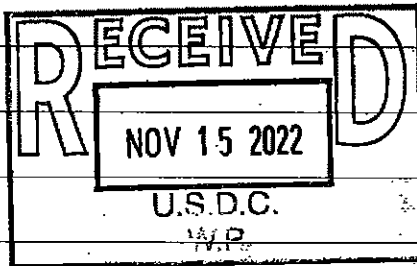
6-9-22

TO: PRO SE INTAKE

FROM: David Gibson / 5A2714
Bl. 20 cell

I can only get one Manila Envelope
Every 30 days SEE Marcy law library slip
Now on 5-12-22 I sent Certified Mail Return
Receipt To All 3 Defendants with All 3
of their names on the Disbursement AND
Certified mail slip they never returned the
Return Receipt Please see Disbursement AND
See it stamped by INMATE Accounts

cc: File





**United States District Court
Southern District of New York
*Pro Se Intake Unit***

To: David Gibson
From: V.Noriega, Pro Se Intake Unit
Date: June 16, 2022
Re: Letter

The attached document, which was received by the Pro Se Intake Unit on June 16, 2022, is being returned to you for the following reason:

Please provide a Southern District of New York docket number for your document.

Please contact the Pro Se Intake Unit if you have any questions.

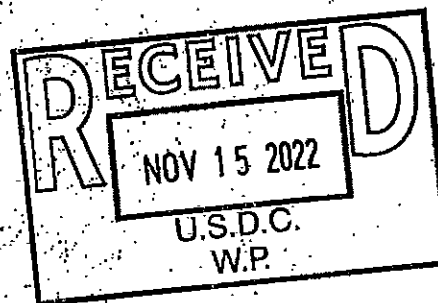


Exhibit 3

To: INMATE ACCOUNTS

7-26-22

From: David Gibson 15A2714
B1-20-Cell

ON May 15, 2022 I sent A MM Certified Mail
Return Receipt to RN Cebon, Danielle, Superintendent
~~XXXXX~~ ~~XXXXX~~ Bernette It Cost me 9.16
I Have the Disbursement but it is Not Clear
enuff to see what was the UPS Tracking
Number to That Disbursement I Need it for
Proof of Service for Court Documents this is
the second time I am writing you Please

Respectfully

CC: File
Dep Admin

7-27-22

I am not finding a recording in my
log book for the above. We do not
log in certified mail receipt it's so be
sure to write them down.

MM- mail room

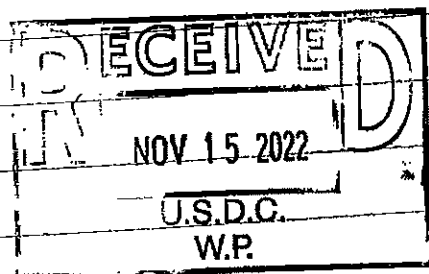


Exhibit 4

To: Mail Room

7-27-22

From: David Gibson 15A2714
BK 20-Cell

If I ask for Records and I say May 15, 2022
And it really May 12, 2022 Man It's not your
duty due diligence as Dept Policy To locate? Mrs. I have
sent 30+ certified mail out Not one time Have you sent the
The Receipt from the U.S.P.S/UPR The yellow one with the
Tracking Number so (1) You are Not giving it to me or (2)
The U.S.P.S Isn't giving it to you (2) It's way more of
a Due Process Violation Now on May 12, 2022 I have
Account Stamped (*via Copy Mail ETC) 9.16 Item
description 3 Sessions 3 Claims 3 Defendants All Mailed
Envelopes I leave open per directive I pay 9.16 so you
keep Records I have Accounts/U.S.P.S? what is the
Tracking Number UPR And Check/order Number And
Mrs I am fully aware You should have 43 Really 44
Receipts for me what is the United States Postal Service
Tracking Number when did it get to fulfill c.f. 05/12/2022
All I need Now.

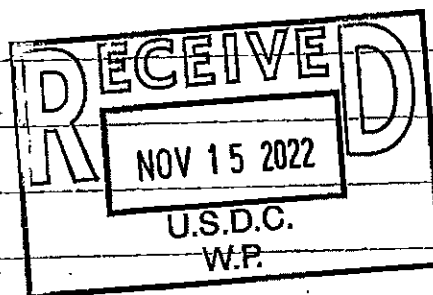


Exhibit 5

8-4-22

To: P. Reardon Superintendent

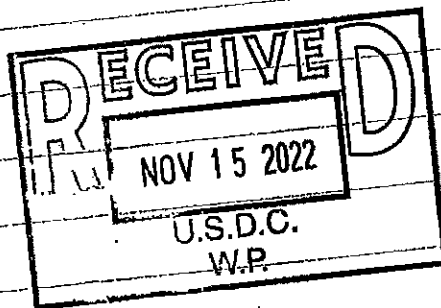
From: David Gibson 15A2714
BT 20-Call

Can You Please explain to me why I've
Requested my Certified Mail from 5-12-22
that Has Nothing to due with you, or your
facility I Paid 9.16 for A Trucking #
Then when I write the ~~mail room~~ Inmate
Account the Mail Room writes back I am
aware about the Post office Return sending and
your staff mail tampering and the JPay Scheme
I will be filing on both in Near future
Please give me my U.S.P. & Trucking
Number for 5-12-22 Please

MARCY CORRECTIONAL FACILITY

AUG 05 2022

EXECUTIVE OFFICE



MARCY CORRECTIONAL FACILITY

TO: Gilson, David DIN: 15A2714CELL LOCATION: RM B1-20

MESSAGE

Mr. Gilson,

Your request/complaint regarding registered mail has been addressed and responded to on multiple occasions.

In summary, when the Post office (USPS) sends us the receipt it is forwarded to you.

Any further correspondence from you regarding this issue will be returned to you with the assumption that you have gotten this response.

No further correspondence is necessary.

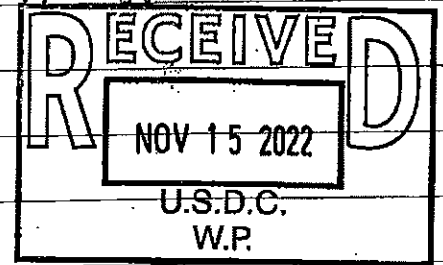
DATE: 8/5/22SIGNED: [Signature]

To: FOIA/PA Justice Management Division

8-14-22

From: David N Gibson 15A2714 MRU-FOIA-71-088

Re: Freedom of Information Act Request



ON 5-5-22 I was Assaulted by 7 Guards in Marcy RMHU Program Area, Hallway, 1st Floor Shower I was Given Audio but No Video The Video Need be De-coded All Cameras in Marcy RMHU Connect to N.Y.S.D.O.C.C.S "Central office" The Harriman State Campus Bldg 2, 4 1220 Washington Avenue Albany, NY 12226-2050 For this I filed Civil Case David Gibson v. Patrick Beardon 9:22-CV-00723 BKX/CH I would like the video At Starting time 1:00pm RMHU Program Area All the way to my Cell B1-20-cell Jail log No. MLY-0116-22

2) I Filed 3 Summons 3 Claims to 3 defendants Some time Approx May 12, 2022 and 15 I Placed Certified Mail and Advice on Item description I forgot to Put date on Proof of Service But for Pro-se status Item description serves as Proof for Civil Case 22-CV-1122-JBK I'd like every Certified Mail, Return Receipt Number, legal mail from Government agency sent outgoing and Incoming and Return sender for Civil Case 9:22-CV-00723 ~~Beardon~~ David Gibson v. Patrick Beardon Due to mail tampering I Need Date, time Etc. The organization that has these Records Is Postmaster General U.S.P.S 5735 Cavanaugh Road Marcy NY 13403

See Attached

Exhibit 8

Attached

OTI/PA Justice Management Division

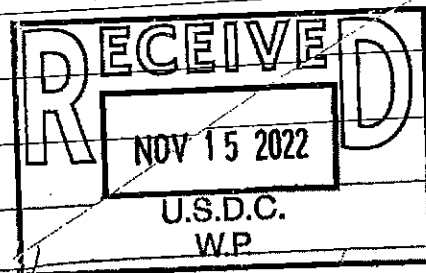
3) ON 6-7-22 C.O. V "John Doe" slammed my finger
in cell window B1-20-cell taking whole layer off I foiled
and was given ~~FOIL~~ Foil log No. May-0014-21 I was told
the saying video was unrecorable for civil case 9:22-CV-00723
David Gibson V. Patrick Reardon Bks again all videos in Marcy
RMHU Connect to N.Y.S. Div. C.O.'s "Central office" the Hoffman
State Campus Bldg 2, 4 1220 Washington Avenue Albany, NY
12226-2050 6-7-22 B1-20-cell starting time 6:00 PM
Ending 8:00 PM Please Can You Recover These Requests.

Respectfully

File

CC: Enclosed Foil Request (3)

Proof Identity



~~Exhibit 9~~ Certification of Identity

To: DOJ/FOIA/PA

From: David Neville Gibson Din 15A2714

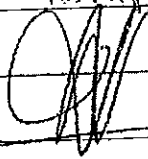
D.O.B.: 12/29/94

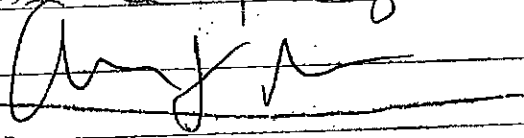
Current Address: Mercy Ctr. Box 3600 Mary, NY 13403

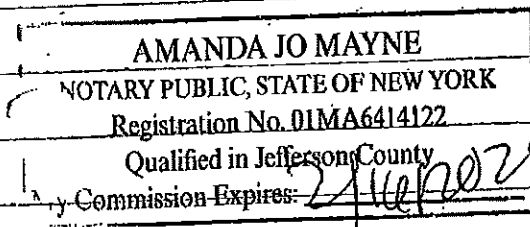
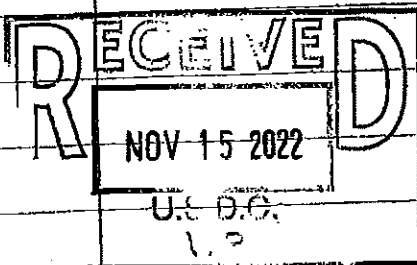
Place of Birth: Mount Vernon Hospital

Social Security: UNKNOWN

Citizenship Status: American

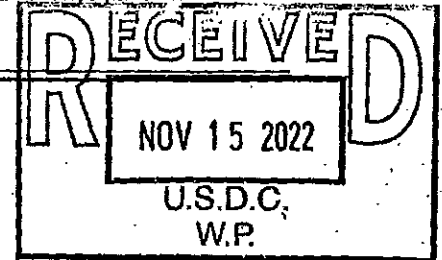
 This Pursuant to USC Section 552(a)(6) I
Authorize the U.S. Department of Justice to Release any and all Inform.
Relating to me to: FOIA/PA and Darren Peart Grandmother
Sworn to Before me on
this 13th day of August 2022


Notary Public



MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



David Gibson 15A2714

Write the full name of each plaintiff or petitioner,

Case No. 22 cv 01122 - KMK

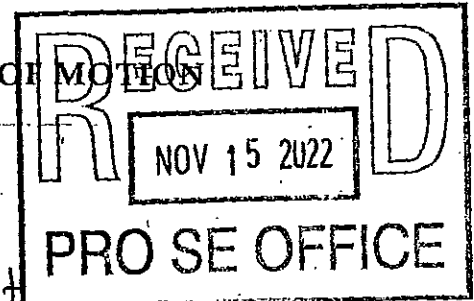
-against-

Superintendent Burnette, Danielle Ceboni

Deputy of Health Anthony Etc: Al

Write the full name of each defendant or respondent.

NOTICE OF MOTION



PLEASE TAKE NOTICE that

Plaintiff

plaintiff or defendant

Movment

name of party who is making the motion

requests that the Court:

Response too Court

Show and cause

Order to Show And Cause, Default Judgement Motion, Order to Compel

For A Request
For a Release
Certificate

Briefly describe what you want the court to do. You should also include the Federal Rule(s) of Civil Procedure or the statute under which you are making the motion, if you know.

In support of this motion, I submit the following documents (check all that apply):

- ☐ a memorandum of law
- ☒ my own declaration, affirmation, or affidavit
- ☒ the following additional documents: Gibson v. Burnett et al

22-cv-1122-KMK

11-6-22

Dated

David Gibson

Name

Marcy Ctr Box 3800

Address

646 436-2142 Poine Attorney

Telephone Number (if available)

Signature

15A2714

Prison Identification # (if incarcerated)

Marcy

NY

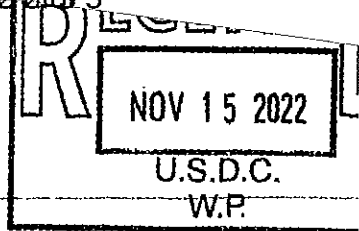
13403

City

State

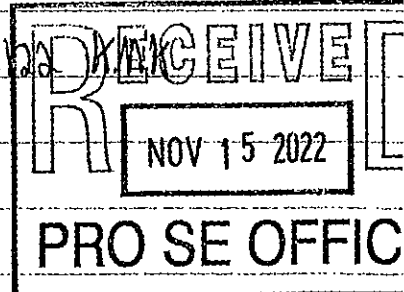
Zip Code

E-mail Address (if available)



To: Clerk of S.D.N.Y. (White Plaintiff)

RE: David Gibson v. Edward Bernstein 22-cv-01122



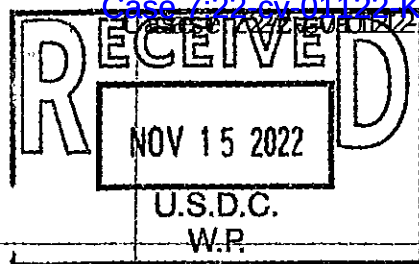
Dear Clerk,

Enclosed Is a application for order to show & cause, Notice of Motion, My own Declaration, Affirmation, or Affidavit, A Verified Petition, Affidavit in support show & cause Notary unavailable Proposed default Judgement, Affidavit of Service, Declaration of Service Attorney Affidavit & Exhibit (1) letter to PRO-se dated 6-9-22 Exhibit (2) A letter from V. Noriega Responding To letter 6-9-22, Exhibit (3) letter Inmate Account 7-26-22 At bottom there Response 7-27-22 signed mail-room Exhibit (4) letter to mailroom 7-27-22, Exhibit (5) letter to P. Pearson Support dated 8-4-22 Executive office stamp 8-5-22, Exhibit (6) Mary Crl. Message in script telling Plaintiff mail issue been addressed He will place on negative court case over the matter, Exhibit (7) letter to FOIA Justice Management about MRU FOIA-71-038, Exhibit (8) Attached to Exhibit 7, Exhibit (9) Proof of Id For FOIA CAN You Please send me a Certificate stating NO answer Has been filed? Also I am only sending the Exhibits to you dont have copy for AAG Lawrence The Deadline Is 11-28-22 Please Deliver to Honorable Kyras for consideration.

Respectfully

Enc: Notice of Motion
my own Declaration, Affirmation,
or Affidavit, Order to show cause,
Verified Petition, Affidavit in support
show and cause, Proposed Default Judgement
Affidavit of service, Attorney Affidavit,
Declaration of service, & Exhibits
letter to Clerk, Declaration

David Gibson



Declaration of Service

Dennis Gibson, Pursuant to 28 U.S.C. 1746, declares
under Penalty of Perjury as follows

That on November 7 2022 I served copies
of 9 Notice of Motion, my own Declaration, Affirmation or affidavit
Order to show and cause (2) pages, Verified Petition (1) page, Affidavit in
support of an order to show and cause (1) page, Proposed, default Judgment
page, Affidavit of service 1 page, Attorney Affidavit 2 pages, 5 page deck
(9) Exhibits, (1) Declaration of service, (1) letter to court clerk

On The Court clerk And Defendant's Attorney by mailing
via United States Postal Service to the following
addresses First class, certified mail signature confirmation

Court Clerk U.S. S.D.N.Y

300 Greenwich Street

White Plains, NY 10601-4150

~~7022241000096863365~~ 7022241000096863365

Bahiya LAWRENCE A.A.6

28 Liberty Street New York, NY 10005

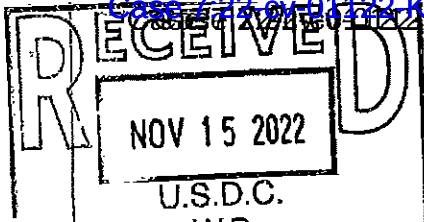
7022241000096863167

SWORN to before me on

this 7th day of November 2022

Notary Public

AMANDA JO MAYNE
NOTARY PUBLIC, STATE OF NEW YORK



Affidavit of Service

STATE OF New York)
County of ONEIDA)

I David Gibson, being first duly sworn deposes
and says that:

I Have Served true and Exact Copies of the foregoing documents: My own declaration, affirmation, or affidavit, Notice of motion, 5 Page Declaration 9 Exhibits, Declaration of Service, And Affidavit of Service. Order to Show Cause Defect Judgment letter to Court Clerk, Attorney Affidavit Verified Petition, Affidavit Showing Cause, Proposed Judgment by placing in 9 Postage Paid and Properly Addressed ~~envelope~~ WRAPPER And depositing same in a United States Postal Box Under the Electronic Case and Custody of New York State Department of Corrections and Community Supervision within the Marcy Correctional Facility to be served upon the below listed persons

Court Clerk U.S. District S.D.N.Y.
(White Plains) 300 Quaker Road Street
White Plains, NY 10601, Behiya Lawrence 28 Liberty St New York, NY 10005

Sworn to before me on
this 7th day of November 2022

Notary Public

AMANDA JO MAYNE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MA6414122
Qualified in Jefferson County
My Commission Expires: 2-11-2025

U.S. District Court

MEMO ENDORSED

For the

Southern District (White Plains)

IN The MATTER of the Application of

David Gibson # 15A2714
Petitioner

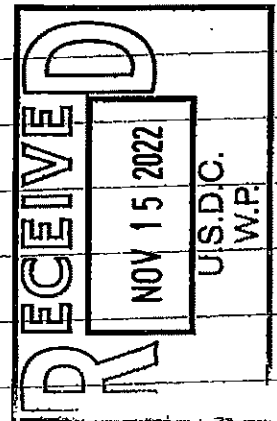
Order to Show Cause
22-CV-01122 KMK

v.
Edward Burnette, Et al.
Respondent

For Judgment By Default Pursuant to
FRAP Rule 12 ~~and~~ Prison Litigation Reform Act
P(2) (g) (2) Failure to Respond answer or more
within 21 days

U.S. District Court S.D.N.Y. (White Plains)
Honorable Judge Karas District Judge

Appearances David Gibson 15A2714
PRO-SC



This ex Parte Matter was referred to my attention at a term
of the U.S. District Court Westchester County Judge Karas
in Courtroom 521 of the U.S. Courthouse, White Plains, New York

Upon Reading of the Petition, Sworn to on the _____ day
of _____ 20____.

Let the Respondents Show Cause at a Special term of this U.S.
Courthouse Courtroom 521 White Plains, NY to be held in and for the
County of _____ on the _____ day of _____ at the
Courthouse located at _____, New York

Why the Relief Requested in the Petition should Not be Granted It is
See Attached

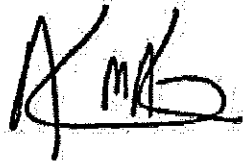
Attached
Order Show Cause

Ordered, that Service of this Order to Show Cause
why

Plaintiff's Proposed Order to Show Cause is denied.

Service by certified mail does not satisfy the requirements of Fed. R. Civ. P. 4. Plaintiff must serve Defendants by one of the methods provided in Fed. R. Civ. P. 4(e). The Court reminds Plaintiff that he must serve Defendants by November 28, 2022. (Dkt. No. 26.)

The Clerk of the Court is respectfully directed to mail a copy of this order to Plaintiff.



SO ORDERED.

11/15/2022

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

Index No. SPR 82-CV-00000 KMK Date Index Issued: 02/07/2022

CAPTION: Enter the complete case caption. Do not use et al or et and. If more space is required, attach a caption rider sheet.

David Gibson 15A214

Plaintiff(s)/Petitioner(s)

For Court Clerk Use Only:

JAS Entry Date

Judge Assigned

RJI Date

-against-

Edward Bernette Eteal

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING

Check ONE box only and specify where indicated.

MATRIMONIAL

- ☐ Contested
☐ Uncontested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum.

TORTS

- ☐ Asbestos
☐ Breast Implant
☐ Environmental: _____ (specify)
☐ Medical, Dental, or Podiatric Malpractice
☐ Motor Vehicle
☐ Products Liability: _____ (specify)
☐ Other Negligence: _____ (specify)
☐ Other Professional Malpractice: _____ (specify)
☐ Other Tort: _____ (specify)

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see NOTE under Commercial]
☐ Emergency Medical Treatment
☐ Habeas Corpus
☐ Local Court Appeal
☐ Mechanic's Lien
☐ Name Change
☐ Pistol Permit Revocation Hearing
☐ Sale or Finance of Religious/Not-for-Profit Property
☐ Other: _____ (specify)

COMMERCIAL

- ☐ Business Entity (including corporations, partnerships, LLCs, etc.)
☐ Contract
☐ Insurance (where insurer is a party, except arbitration)
☐ UCC (including sales, negotiable instruments)
☐ Other Commercial: _____ (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJI Addendum.

REAL PROPERTY: How many properties does the application include?

- ☐ Condemnation
☐ Foreclosure

Property Address: _____

Street Address

City

State

Zip

NOTE: For Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum.

- ☐ Tax Certiorari - Section: _____ Block: _____ Lot: _____
☐ Other Real Property: _____ (specify)

SPECIAL PROCEEDINGS

- ☐ CPLR Article 75 (Arbitration) [see NOTE under Commercial]
☐ CPLR Article 78 (Body or Officer)
☐ Election Law
☐ MHL Article 9.60 (Kendra's Law)
☐ MHL Article 10 (Sex Offender Confinement-Initial)
☐ MHL Article 10 (Sex Offender Confinement-Review)
☐ MHL Article 81 (Guardianship)
☐ Other Mental Hygiene: _____ (specify)

☒ Other Special Proceeding: Other Show Cause (specify)

STATUS OF ACTION OR PROCEEDING

Answer YES or NO for EVERY question AND enter additional information where indicated.

YES NO

Has a summons and complaint or summons w/notice been filed?

☐☐

If yes, date filed:

05/08/2022

Is this action/proceeding being filed post-judgment?

☐☒

If yes, judgment date:

NATURE OF JUDICIAL INTERVENTION

Check ONE box only AND enter additional information where indicated.

- ☐ Infant's Compromise
☐ Note of Issue and/or Certificate of Readiness
☐ Notice of Medical, Dental, or Podiatric Malpractice
☐ Notice of Motion
☐ Notice of Petition
☒ Order to Show Cause
☐ Other Ex Parte Application
☐ Poor Person Application
☐ Request for Preliminary Conference
☐ Residential Mortgage Foreclosure Settlement Conference
☐ Writ of Habeas Corpus
☐ Other (specify):

Date Issue Joined: _____

Return Date: _____

Relief Sought: _____

Return Date: _____

Relief Sought: _____

Return Date: _____

Relief Sought: Default Judgment

Relief Sought: _____

RELATED CASES:

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RJL Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case
Gibson v. St. Elizabeth's Hosp	22-cv-4213 KMK	S.D.N.Y.	Judge Kagan	Plaintiff

PARTIES:

If additional space is required, complete and attach the RJL Addendum. For parties without an attorney, check "Un-Rep." box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	Burnette Edward Primary Role: Superintendent Secondary Role (if any):	Lawrence Bahya New York State Attorney General 288 Madison St NY 10005 Phone: _____ Fax: _____ e-mail: _____	<input checked="" type="radio"/> YES	
<input type="checkbox"/>	Gibson Danille Primary Role: RN Secondary Role (if any):	Last Name: _____ First Name: _____ Firm Name: _____ Street Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____ e-mail: _____	<input checked="" type="radio"/> YES	
<input type="checkbox"/>	Almumbay First Name: Deputy of Health Secondary Role (if any):	Last Name: _____ First Name: _____ Firm Name: _____ Street Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____ e-mail: _____	<input checked="" type="radio"/> YES	
<input type="checkbox"/>	Last Name: _____ First Name: Primary Role: Secondary Role (if any):	Last Name: _____ First Name: _____ Firm Name: _____ Street Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input checked="" type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 11-7-22
Pre-Sc
 ATTORNEY REGISTRATION NUMBER

SIGNATURE

Dennis Gibson

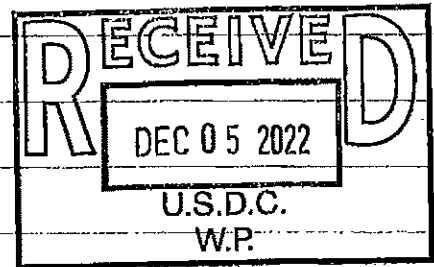
PRINT OR TYPE NAME

Print Form

UNITED STATES F.D.N.Y.

David Gibson 15A2714

v.



Edward Burnett et al

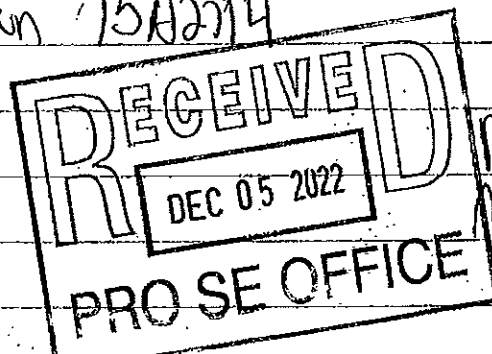
22-CV-01122 KMK

Notice of Motion

Movment

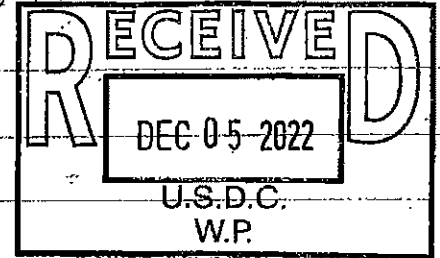
I ask the Court to accept this Memorandum of Law Under 232 Subsection 9 "Matrimonial action" Plaintiff Delivery to The defendant's Place of Business The Agents were Aware off the Common's And Complaints to be delivered Please see Det NO. 13 "Item description" The Prize was due to Prison system legal mail on Manata Envelope Plaintiff Place "URGENT legal mail" Also P.O. Box 1245 Agent was Authorized to Recive the delivery The Defendant Failed to Answer or Move etc: "Defend" (The Accusations) (Domestic) (Phen) As Plaintiff Ask's and Is entitled to Judgment By Default.

David Gibson 15A2714



Merry C.F. Box 3600
Merry NY 13403-3600

Memorandum OF LAW

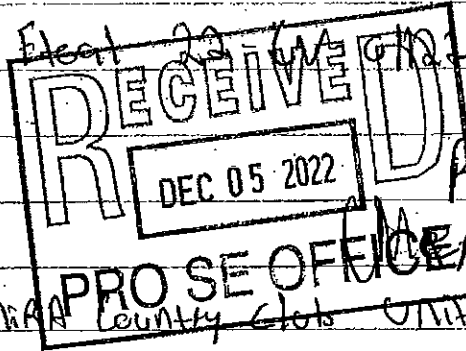


David Gibson / 5A2714

v.

Edward Burnette Fleet 22 (KMK)

Movment



Recognition deny motion

Morse v. ELMIRA Country Club United States Court of Appeals 2nd Cir December 28, 1994 752 F.2d 35 53 CO2W 2346 40 Fed R. Serv. 573 On May 8, 2022 Plaintiff serves the defendant In comply with Federal 4(e)(c). Plaintiff followed N.Y.S.D.o.C.C.s Policy Directive 4422 (See Docket 24 Attached Directive). Plaintiff can not have (1) Prepaid Postage (2) Return Sender Envelope. Federal Rule 4 Has to be liberally constructed 4(e)(1). It is a direct conflict with New York state law 312(a) And New York state Department of Corrections Correctional Program 4422 Core Docket 24. Plaintiff made 3 summonses, 3 complaints, to 3 Defendants, And under D.o.C.s Policy Overize envelope must be Inspected And Would You Please See Federal Rule 4(e)(2)(C). delivering a copy of each to an agent authorized by appointment OR by law to Receive service of Process. 24(e)(1) states Following state law "N.Y.S.C. 312", A direct Conflict to Plaintiff. (2)(C) Only states "deliver" agent appointed OR by law to Receive service of Process. Policy Analysts Case v. United States, 50 Fed. Cl. 626, 128 (2001) And Riley & Ephraim, 61 Fed. Cl. 92 410. Plaintiff mailed Certified mail Signature Confirmation to Fishkill Ct. 271 Monticuan Road

2

Beacon, New York 12508-0307 To (1) Superintendent
 Burnette (2) Deputy A. Kinyombo (3) RW D. Lebron
 Plaintiff would please like the Court to see Fishkill C.F.
 Is a Government P.O. Box That Consents to the Post
 Office to consent to Receive mail. (Certified mail Is First
 Class Mail)³ N.Y.S.C.P.L.R 308 and 312 are direct
 conflicts Plaintiff Has Multiple Grievance and Complaints for
 mail theft and tampering. And Civil Case 9:22-cv-0723 BHO
 The Marcy facility won't Release the Original copy of the Detention
 Docket B to Give the Check Order # to See who signed
 for the mail. Federal Rules in other circuits Have Hold Certified
 Mail Signature Confirmation. The only mail form of 99 known to man
 He can Have New York state law allows delivery by mail
 N.Y.S.C.P.L.R 312 The only direct conflict Is N.Y.S. Inmates
 Can't Have Pre Paid Postage or Return Sender. Federal Rule
 4 P.O. Box 1245 Is authorized by appointment by
 law to Receive service of Process 4(e)(2) Federal Rule
 4 doesn't state what method of mail that has to be used
 as long as state law permits mail delivery Morris v
 Wilmington Savings Fund Society United States District Court
 W.D. Virginia, Harrisonburg Division December 19, 2018 360
 F. Supp.3d 363 "When service by mail service by certified
 mail is not sufficient unless the Recipient actually Received
 the mail. Plaintiff mailed the summons and Complaint
 to Fishkill C.F. P.O. Box with The Warden's Name Plaintiff
 Has been trying over 6 months to get the Check/Order
 # and Signature Confirmation See Exhibits to 5 Page

3

Declaration Docket 29, 30, 31 Plaintiff Has Went to
The FCI A Justice Management, His facility Is blocking his
litigation Please see Docket 13 Plaintiff Filed Proof of Service
Approx the 21 days were up and The Defendants Failed to
move or answer If Plaintiff Service was Improper the
Defendants Failed to move or answer First class Postage can't
be traced The defendant along with Plaintiff Mary Defendant
Have took His certified mail Receipt, signature Confirmation
and Will Not Release the Original copy. Plaintiff would
like the court in this Memorandum of law the (1) direct Conflict
with Federal Rule 4(f)(1)(2) N.Y.S.C.L.R 312(c), And
N.Y.S.D. Civil Rule 44.22. The Certified mail, Signature Confirmation
Method Is when the Postage Paid (N.Y.S.D. Civil Rule only allowed)
"deliveries" 4(f)(2)(C) "Please liberally construct Rule 4"
"Plaintiff Is a state convicted Prisoner" Rule 4 states "Delivery
to defendant (1) United States Postal Service, Mary to (2)
Dutchess United States Postal Service Are Both Authorized
And Appointed by law to Receive and "deliver" Federal Mail The
(1) Expedited Advanced Mail method In N.Y.S.D. Civil Rule Is
what Plaintiff used. The only difference between certified mail
signature Confirmation It Has to be signed for As with First
class could just be left (Quoting) W.D. Virginia District
Court In Morris v. Wilmington Savings Fund Society
If Plaintiff by D.O. Civil Rule Policy Defective 44.22 (Please
see Docket 24 Enclosed copy 44.22) D.O. Civil Rule Has Not allowed
Postage Pre-Paid Return Sender Envelopes since McGann v.
State of N.Y February 27, 1996 as In McGann He Failed

4

To Put The 18-A "Acknowledgment for 98 N.Y.O.C.L.R 312(9)
Instructions that It became In (1996) New York State (Envelopes
Return Sender were allowed") Now (2022) You Cant Have
Postage Pre-Paid Even If Plaintiff Sent First-class Mail the
Service would still be Improper because N.Y.O.D.O.C.L.R
don't allow Return Sender Envelopes OR Postage Pre-Paid
There Is No Case In STATE of New York OR Federal
New York Districts with this type of Issue for A State
Prisoner Who Cant Have the Method's appointed by law
N.Y.O.C.L.R 312(9) And Federal Rule 4 Signature Confirmation
Is A form of Acknowledgment of Receipt And due to
N.Y.O.D.O.C.L.R Policy It Is A fact that the defendants
Received the summons and Complaints at there Government
P.O. Box 1245 The Question If Plaintiff Service Is Improper
does that exclude the fact the Failed to move OR
owner in 21 days? Please see Docket 13 All 3 names
are on the check with Edward Bernette First "AKA" Supermans
Bernette To His P.O. Box 1245 As In Riley B E Phing
And Policy Analysis When Certified mail Is sent Delivered
To a Government P.O. Box It Is signed for By the Post
office And Is Held At the Front Desk Considered
Received In fact RBE Construction Didn't consent for the
P.O. Box Postoffice to receive the mail why It was Returned
In Plaintiff's case Fishkill c/o consented The the Post office
to sign One Phone Call Order to compel The Original
Copy Docket 13 Show the check order to there signature Confirmation
If Plaintiff Service was Improper Under BradaMedia INC v. Vitek

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2nd Cir 2005 The defendant knew this was going own New within 21 days Not counting the Authorized agent signed for the mail. Please see (New York Administration Code) 7. NY ADC 722.7 Attachment 1st class To Priority Plaintiff Placed Certified Mail, signature confirmation, section 720.7 Business mail (C) "Inmates are Prohibited from using Business Correspondence to order any item on credit or Installment Plans, and are also Prohibited from obligating their funds for anything more than immediate purchase which is being reviewed. (2) "Inmates may make one single payment for items which will be delivered over an extended period of time, provided that there is no additional billing for the items being delivered in the future" (No Pre-Paid Postage as you see). (D) "All business mail, except Business mail to the Media will be submitted by the Inmate enclosed such business mail is subject to inspection" Section 720.3 Outgoing Mail (A) Negative Correspondence and telephone (B) Advance approval (4) Person Presently or formerly employed by the department or in a department facility (Please see Docket 13 Plaintiff sent Summons and Complaint in a Correctional P.O. Box 1245) or with any member of such persons Household or their personal or Private Residence address. (d) Oversize Correspondence, defined mail which cannot be enclosed in a standard business envelope, shall be inspected Etc. Now Please see (9) "Outgoing mail should include the full address of the person to whom it is addressed. It should include the Name, Street address, City, State and

ZIP Code. Inmate shall not submit correspondence to be sent to a Post Office box without a specifically identified addressee (Please see Docket 13) the addressee (either a person or a business) (Superintendent Burnett, Deputy of Health A. Akinyombo, RN D. Lebron) shall be clearly identified. An insufficiently addressed envelope shall be opened (IN Plaintiff's case The Overseas Envelope, Business mail, Advanced Approval, Had to be open anyway) (Please see D. Lebron wrote Plaintiff 9 Times 3 M.B.R. Personal Information, stalking, Harassment Plaintiff accused the Defendant of A Affair) N.Y.C.D.O.C.C. Policy They Have to verify, Inspect then stamp (Many Inmate Accounts They Receive 3 summons with Proof of Services, 3 Complaints with 3 defendants Names on the Detainment, (See Docket 13), Overseas Envelope, First class, Certified, Priority, signature Confirmation. Please see (H) "A Inmate may use envelopes and writing paper provided by the facility or personal writing paper. Any printing on personalized writing paper is limited to the Inmate's commitment name (unless the Inmate's name has been legally changed) department identification number, and facility address. Personalized writing paper (Not envelopes) may be ordered by the inmate from a commercial source. (On September 25, 2022 Plaintiff sent Certified Mail 7021-1970-0000-8726-8569 Please see Docket 24 A 2 Page letter on the last page See Enclosed The Defective 4422 was Attached. In-Less Nancy G. was Mail tampering? Your Honorable Kudos will

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See Plaintiff Cant Receive Pre-Paid Postage, Return
 Sender Envelopes or R-A Forms. Please See Docket No. 24
 Plaintiff sent copy of the Defective 4422 and letter to Postmaster
 Mary. Federal Rule 4(e)(1) Please See N.Y.C.P.L.R. 307

(2) "Personal Service on a state officer (Superintendent
 Burnette, Deputy of Health A. Akinyombo, RN D. Lebron
 Please (SEE Document 1) (In The body of the Complaint
 Paragraph 10 Plaintiff Placed A Request for A Temporary
 Restraining Order on N.Y.S.D.O.L.C. (See "DCCO", Not trying
 give Plaintiff Surgery Under N.Y.S. Law When Filing Service
 Under Mail against a state officer "Deputy A. Akinyombo"
 It still a ~~state~~ officer, Black Law Dictionary C11th ed 2019
 "officer (14c)" And Please See ("Deputy") (15c) (17c)
 Black Law Dictionary C11th ed 2019) "Executive" C1876)

"the Head of the executive branch of a government, such
 as President of the United States. (A Corporate officer at
 the upper levels of management)- ("Also termed Executive
 officer, executive employee, - executive, etc") Please
 See Black Law Dictionary C11th ed 2019) "Superintendent"

(16c) A Person with the power to direct activities
 ("A Manager") Please See Black Law Dictionary C11th ed
 2019) Manager (16c) (Someone who administers
 or supervises the affairs of a business, office or other
 organization) (18c) "A manager who has overall control
 of a business, office, or other organization including
 authority over other managers" A General Manager is
 synonymous to A President or Chief executive officer of

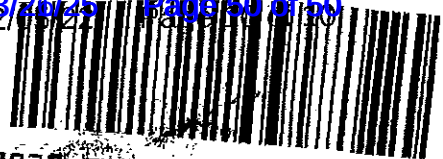
9 Corporation* (N.Y.S.D.C.L.C.) Is a State
Agency Document 1 Paragraph 10. And Refers the
District Court ERRORES The Department Is In
the Complaint There for they are great the Docket(1)
Superintendent Burnett Is the Executive officer of
Fishkill Correctional Facility Plaintiff Delivered by
mail to the Defendants Executive officer Superintendent
Burnett. The first name on the check on Envelope
Plaintiff Put "URGENT legal mail" ON Check money
Order Plaintiff Placed on the outside Plaintiff wasn't taxed
because He used legal mail In Prison system. Please Review
Docket 1 (Paragraph 1 to 9) (9) & Specifically states "Affair"
All threw the Complaint Plaintiff Admit to Having An Affair
with the Defendant D. Lebron He Placed In Paragraph
(10) He wanted to Place A T.R.O. ON N.Y.S.D.C.L.C.
(Subdivision 9 of Section Two Hundred thirty-two
domestic Relations law (2)(B) "Served on the defendant
Pursuant to an order directing the Method of the
Summons in accordance with the Provisions of section
("Three Hundred eight") OR ("Three Hundred fifteen") of the
Civil Practice law and Rules Please see b. Plaintiff Placed on
Item description 3 Summons 3 Complaints 3 defendants
Mercy Inmate Account stamp Docket 13 N.Y.S.C.P. 1 308
2 ("By delivering the Summons And Complaints ON Item
Description outside the mail the Post office "agent" was
Authorized to serve the summons P.O. Box 1245 Is In A
Post office the agent "civilian" Is Authorized to sign

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for the Defendants The Marney Order States What was
In the legal mail There Government Per. Box Rule when
It Reached At The Post office Corbinore Rules
Under New York law Federal Rule 4(e)(1) Plaintiff Gagne
was Proper this Is a "Marital action"
The Family Has to Verify Please see Docket 24 '4422
Under (232 Notice of Marital action) The defendant
Are In default Plaintiff whole Complaint Docket
1 Is about Mental, Emotional, Physical Abuse Abuse
Has on-married Affair Under N.Y.S.D.C.L.S. law Plaintiff
Can not Consent to any sexual Acts physical, verbal Its
"Rape this domestic law Defendant Failed to control or manage
or defendant under 232 "Marital action" Signature
Confirmation Is First Class Postage Paid Please see
Exhibit 1 Green Card 'First-Class mail Postage &
Fees Paid USPO Permit No. G-10 (Deliver was Proper!)

David Gibson 15A2714
Marcy Correctional Facility
Box 3600 Marcy NY 13403

646-436-2142 Power Attorney



7022 2410 0000 9686 3938

CORRECTIONAL FACILITY

30

N.Y. 13403-3600

Power Gibson

DIN: 15A2014

Marcy



Correctional Facility

NEOPOST

12/01/2022

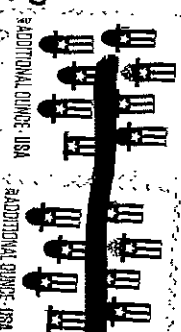
US POSTAGE

\$006.62



ZIP 13403
041L11259879

105
Stamps



Court Clerk D.D. NY
White Plains
360 Quaker Street
White Plains, NY 10601-4450